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GOOGLE INC. and KAI-FU LEE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC. and KAI-FU LEE,
Plaintiffs,
v.
MICROSOFT CORPORATION,
Defendant.

Case No.: CV 05-03095 (RMW)

**DECLARATION OF KAI-FU LEE
IN SUPPORT OF MOTION BY
PLAINTIFFS GOOGLE INC. AND
KAI-FU LEE FOR SUMMARY
JUDGMENT**

Date: October 14, 2005
Time: 9:00 a.m.
Place: Courtroom 6

Honorable Ronald M. Whyte

1 I, KAI-FU LEE, declare as follows:

2 1. I am one of the plaintiffs in the above-captioned litigation. I have personal knowledge
 3 of the facts set forth in this declaration and, if called upon to do so, I could and would testify
 4 competently to all of the matters contained herein. This declaration is submitted in support of the
 5 Motion by Plaintiffs Google Inc. and Kai-Fu Lee for Summary Judgment.

6 2. Attached hereto as Exhibit A is a true and correct copy of my August 8, 2000 Microsoft
 7 Corporation Employee Agreement.

8 3. Prior to working for defendant Microsoft Corporation (“Microsoft”), I was employed by
 9 Silicon Graphics, Inc. in Mountain View, California, and by Apple Computer, Inc. in Cupertino,
 10 California.

11 4. In or about May 2005, I approached plaintiff Google Inc. (“Google”) regarding the
 12 possibility of employment. That contact ultimately led to an offer of employment by Google, which I
 13 accepted on July 19, 2005. At that time, I began working at Google’s Mountain View, California
 14 facility.

15 5. On July 18, 2005, I met with my supervisor at Microsoft and resigned from my at-will
 16 employment. Immediately following that meeting, I was personally served by Microsoft with a
 17 complaint filed in the Superior Court of the State of Washington, in and for King County, entitled
 18 Microsoft Corporation v. Kai-Fu Lee and Google Inc., Case No. 05-2-23561-6 SEA.

19 6. I am currently living in the city of Palo Alto, having moved to California from the State
 20 of Washington on July 19, 2005. I have an office at Google’s world headquarters in Mountain View,
 21 California, and I hold the position of Vice President, Engineering. I have registered to vote in
 22 California. I have also obtained a California driver’s license and have relinquished my Washington
 23 State driver’s license. California income and payroll taxes have already been paid by me on wages I
 24 have earned in California, and such taxes will continue to be deducted from future wages and other
 25 compensation that is paid to me by Google. I currently have two California mailing addresses, one for
 26 my personal mail and the second for my business mail. I have obtained new cell phone and telephone
 27 numbers for both my work-related and personal calls, both with Santa Clara County area codes.

7. When I accepted the position with Google, it was anticipated that my initial job responsibilities would be focused on helping the company to open and establish a new research and development center in China. The exact business plans and focus of this new product research and development center have yet to be fully determined. It is intended, however, that the new center will develop products to be used throughout the numerous markets that Google serves.

8. I was expected to oversee recruiting and facilities construction in China for the new research and development center beginning in late 2005. Once the new Google center is ready to open, I had planned to take up temporary residency in China, with my family, as an expatriate Google employee. During my assignment in China, I will be in regular communication with senior management at Google's Mountain View, California headquarters, and I will be traveling to and working at Google's Mountain View facility on a regular basis. California State taxes will continue to be withheld from my compensation from Google. After my Google China assignment ends (approximately 2 years after it begins), I plan to return full-time to California. Up until issuance of the Temporary Restraining Order that was entered in the Washington State court action in the afternoon of July 28, 2005, I was participating in the Google corporate orientation program in Mountain View.

I declare under the penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed this 25th day of August, 2005.


KAI-FU LEE